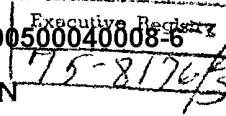


UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, DC 20408



September 18, 1975

Honorable William E. Colby
Director, Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Colby:

Secretary Kissinger sent me a copy of his August 19 memorandum concerning the proposed review of security classification matters to be conducted by an ad hoc group to which you have been appointed. I have taken the opportunity of suggesting certain changes in Executive Order 11652 in a letter to Secretary Kissinger.

In view of the short time period given the ad hoc group to make its recommendations, I am enclosing a copy of that letter in order to facilitate the ad hoc group's consideration of these recommendations. As I indicated in my letter, there are other more technical revisions which I believe ought to be considered, and I will be happy to provide them to the ad hoc group.

Sincerely,

JAMES B. RHOADS
Archivist of the United States
and Acting Chairman,
Interagency Classification Review Committee

Enclosure

National Archives and Records Service
Washington, DC 20408



September 17, 1975

Honorable Henry A. Kissinger
Secretary of State
Washington, D. C. 20520

Dear Mr. Secretary:

Thank you for sending me the copy of your August 19 memorandum relating to a proposed review of security classification matters. It has now been nearly three and one-half years since the new security classification system established by Executive Order 11652 went into effect. Consequently, I agree that a review is certainly in order.

The system created by Executive Order 11652 marked a significant improvement over the system it replaced.

The establishment of a 30-year automatic declassification deadline ended indefinite classification and has spurred the declassification of millions of documents which had ceased to have any national security implication: the National Archives and Records Service has now declassified 155 million pages of World War II material and is about to move into the post-war era.

In addition the Executive order has inhibited an increase in the backlog of classified material through the General Declassification Schedule, under which most documents classified since 1972 should be opened after ten years.

Through the mandatory declassification review provision, the Executive order also included an effective method to declassify documents over ten but not yet thirty years old.

In addition, by granting authority to the Archivist of the United States to declassify (after appropriate consultation), material in his custody originated by the White House, or by Presidential

Commissions, committees, and boards, the Executive order ended the political dilemma and risk which each administration had faced in dealing with documents classified by its predecessors.

For the first time a means had been devised to protect an incumbent President from the criticism of either opening or closing his predecessor's papers for partisan political reasons, while at the same time providing for the declassification of the papers of previous administrations by a government official who was not subject to charges of making decisions based on partisan political considerations. This system has worked well, particularly in the older Presidential Libraries where the declassification of White House material has opened new avenues of historical research and has proved a boon to scholars.

Finally, and most importantly, the Executive order created the Interagency Classification Review Committee (ICRC) which for the first time provided a central means to monitor the government-wide classification and declassification program. From my personal experience with the members of the Committee, I can say without reservation that they are persons of high caliber who are expert and sound in the decisions they have made concerning the government's classification system. I do not need to repeat the list of the ICRC's accomplishments described in the Committee's annual report, a copy of which you received in May. However, I do draw your attention to the fact that the significant progress made by the ICRC has received favorable notice from Congress, the press, and various government agencies.

Although we have come a long way since 1972, my experience, both as Archivist of the United States and as Acting Chairman of the ICRC, indicates the need for further improvements in the system. Needless to say, I do not purport to speak for the other members of the ICRC.

I think that efforts to make the system work even more effectively are especially important in view of growing public and media demands for government information, and most particularly in view of Congressional attitudes reflected in the 1974 amendments to the Freedom of Information Act and the numerous bills proposing to change the classification system introduced in recent sessions. Any revision of the national security classification system must have as its objective a continuing balance between the needs for

protecting sensitive information relating to military and foreign affairs, the disclosure of which would jeopardize our national interests, and the ever growing need to be responsive to the demands of the American people to be fully informed about their national life. It is especially important for the review committee to take into account this public need because a failure to do so would very likely stimulate a Congressional response and a different kind of solution from what we in the Executive Branch have endeavored to carry out.

Specifically, I believe that it is desirable and realistic for the government to move toward reducing the 30 year automatic declassification time schedule to a 20 year period. This can perhaps be accomplished by stages over the next few years. The 20 year declassification goal is not unreasonable for most classified documents. Our experience thus far suggests that about 90 percent of the 20 year old records can be readily declassified.

Specific recognition should also be given to an Advance Declassification Schedule for documents which may be declassified on a date in advance of the time limits established by the General Declassification Schedule. Use of this schedule has developed on an ad hoc basis in some departments. I believe that this schedule should be officially sanctioned and its use encouraged for documents which require short term classification protection. In addition, a significant number of officials believe that the time limits set by the General Declassification Schedule can be shortened, for example, that "Top Secret" material may be declassified after a total of eight years, "Secret" material after six years, and "Confidential" material after four years.

The General Declassification Schedule exemption categories would be more effective if more precise definitions and classification guidance could be provided to classifiers. For example, exemption category one of the Order relating to protection of foreign classified documents would be more rationally applied if the State Department or other Department responsible for that type of information were charged with the responsibility of determining whether the "understanding" between the foreign government or international organization and the United States remains in effect. Under the current system hundreds of thousands of foreign classified documents are being automatically exempted from declassification though they contain no information of a sensitive nature today.

Exemption category two should be changed to clarify that under the Executive order the only statute recognized as exempting material from the provisions of the order is the Atomic Energy Act. It should also place upon the National Security Agency and the Central Intelligence Agency, respectively, a requirement to define the meanings of the otherwise vague and general terms "cryptography" and "intelligence sources and methods." Such descriptions could be issued by the ICRC in the form of a general classification guidance for classifying officers in all agencies. This would promote greater consistency throughout the government of application of this exemption category. Exemption category three needs similar clarification.

Additionally, consideration should be given to automatic downgrading of exempted material prior to the automatic declassification review at 30 years (or at 20 years should the automatic declassification date be lowered as we have suggested). This would result in a considerable cost savings to the government and give the classification system greater credibility.

Section 11 of the Executive order should be expanded to give the Archivist authority to review and declassify White House material originated by previous administrations no matter where it may be located. Currently the incumbent President and his staff have been removed from direct consideration of releasing material classified by a former President and his staff only if that material is located in a Presidential Library or other archival depository under the Archivist's control. By expanding the Archivist's authority to deal with all classified White House material of previous administrations, the current administration can be further protected from charges of making declassification decisions for political reasons.

Above all, it is essential that any review of the classification system consider means of strengthening the role of the ICRC. The Committee has made considerable progress, but it could do more and needs to do more to enhance the integrity of the government's classification system. The ICRC should be independent of any other part of the federal establishment and should report directly to the President. Policy directives relating to the classification system which are binding on all Departments should be issued by the President through the ICRC. This is a necessary requirement to strengthen the role of the ICRC in implementing the Executive order in all its parts. The ICRC, representing as it does all of the major agencies

coping with classification and declassification matters, is in the best position to weight conflicting positions and to instruct agencies concerning current security requirements.

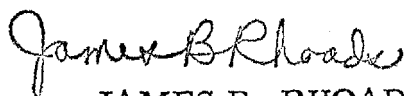
Another step that must be taken to enhance the prestige of the ICRC is to appoint a permanent chairman. Since my appointment as acting chairman in April 1973, I have repeatedly recommended that a permanent chairman of recognized stature from outside the federal government be selected to fill this position. In the past I have submitted several names of persons who could admirably direct the ICRC's activities. I would be happy to again submit names of possible candidates. I feel that appointing a permanent chairman would provide direct public evidence of the importance the President attaches to the work of the ICRC.

I have attempted to highlight those areas which I feel need priority consideration. There are, of course, many other areas which deserve the committee's attention during its consideration of ways to improve the classification system. We would be happy to provide the committee with these other suggested changes.

I also recommend that the committee solicit the views of John S. D. Eisenhower concerning revision of the Executive order. Because of his experience as a military officer, as an assistant to President Eisenhower, as first Chairman of the ICRC, and in view of his intimate knowledge of Presidential papers through his close association with the Eisenhower Library, Ambassador Eisenhower is in a unique position to give sound, knowledgeable advice on this matter. Ambassador Eisenhower suggested certain changes in the classification system at the time Executive Order 10501 was under review and was partially responsible for the inclusion of Section 11 in Executive Order 11652. I feel sure that he would be happy to provide the committee with his views.

In order to expedite the committee's consideration of these proposals, I have taken the liberty of forwarding copies of this letter to General Scowcroft and the other members of the ad hoc group.

Sincerely,



JAMES B. RHOADS
Archivist of the United States, and
Acting Chairman, ICRC